

COLORADO DEPARTMENT OF
LABOR AND EMPLOYMENT
EMPLOYER WEBINAR SERIES

Benefits and Employer Participation

Division of Family and Medical Leave Insurance
famli.colorado.gov
July 29, 2022



COLORADO
Department of
Labor and Employment



About FAMLI Webinar Series

Housekeeping:

- Copy of this presentation deck and video recording is available on famli.colorado.gov.

Previous webinars on our YouTube Channel

- Calculating FAMLI Premiums
- FAMLI and Local Governments
- How To Prepare Your Small Business for FAMLI

Our FAMLI History

- Voters approved Prop 118 in November 2020 with 57% bipartisan support.
- Colorado was the only state to pass paid leave at the ballot box.
- Eleven states have now passed paid family medical leave programs in the United States.
- The FAMLI program is a social insurance program with both employers and employees contributing to the fund that will eventually pay out benefits.
- The premiums are set to 0.9% of the employee's wage, with 0.45% paid by the employer and 0.45% paid by the employee.

FAMLI Timeline

January 1, 2022

Initial FAMLI rules adopted



January 1, 2023

Employers begin payroll deductions for FAMLI premiums and remitting premium payments to the FAMLI Division



July 2022

Public education campaign begins



April 30, 2023

First quarterly premium payments due (30-day grace period)

January 1, 2024

Covered workers can begin submitting requests for FAMLI leave





When can workers use FAMLI leave?

FAMLI will provide Colorado workers 12 - 16 weeks of paid leave...

- To manage their own serious health condition.
- To care for a family member with a serious health condition.
- To care for a new child (within the first year of birth, or foster placement, or adoption.)
- To make arrangements for military deployments.
- To address immediate safety needs and impact of domestic violence/sexual assault.



Who is a covered individual?

- Most workers in Colorado, including those who are **self-employed**
- Workers become eligible for leave after earning \$2,500 in wages in Colorado
- **Base period:** first 4 of the last 5 completed calendar quarters
- **Alternative Base Period:** last 5 completed calendar quarters

Clarifications

Family Member:

Someone with whom the covered individual has a significant personal bond that is or is like a family relationship.

Non-dispositive factors:

- shared financial responsibilities
- emergency contact designations
- expectation of care created by the relationship
- cohabitation and geographical proximity.

Serious Medical Condition

An illness, injury, impairment, pregnancy, recovery from childbirth, or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility, or continuing treatment by a health care provider.

Caring for a New Child

Caring, bonding, and providing the basic needs of a child that is under the age of 18. The FAMLI benefit can be used once during the fostering and adopting of same child.

Safe Leave

The individual does NOT need to initially prove that they are a victim of a violent circumstance. Benefits may be awarded based on the victim's good-faith attestation that the need for leave satisfies the elements of the offense.

Employer Participation

- Participation in FAMLI is **required** for most Colorado employers and employees.
- Employers **must register and create an account** with the FAMLI Division before the first premium payment is due on April 30, 2023.
- **My FAMLI+ Employer** will deploy in a phased approach this fall. All employers will have access starting in January 2023.
- Employers will need to **facilitate the 0.45% premium deductions** from employees starting January 1, 2023.
- **Submit quarterly wage reports along with the 0.9% premium payments** to the FAMLI Division.

Premium Payment & Quarterly Wage Reporting Schedule

April 30

Q1 wage reports & payments due.

30-day grace period offered

July 31

Q2 wage reports & payments due.

October 31

Q3 wage reports & payments due.

January 31

Q4 wage reports & payments due.

*Employers may face a fine of up to \$50.00 per employee whose wages are not reported.

Communicating with your Employees

Employer Tool Kit

- [Breakroom Poster](#)
- [HR Fact Sheet](#)
- [Pay Stub Example](#)
- [Premium and Benefits Calculator](#)
- [Local Government Fact Sheet](#)

The Rulemaking Process

- A public hearing for our proposed Benefits Rules is set for:
 - **August 2, 2022 at 5 p.m.**
- Proposed and adopted rules and public comments are published at famli.colorado.gov/proposed/adopted-rules.
- To send us your comments on our proposed rules, email cdle_famli_rules@state.co.us.

Frequently Asked Questions

Employer Participation

Q: How do out of state employees and remote workers factor into FAMLI?

A: An employee is subject to FAMLI if:

1. The employee's work is performed entirely within Colorado.
2. The employee performs work both within and outside of Colorado, but the work performed outside of Colorado is incidental, temporary or transitory.
3. The employee's work is not localized in any state, but some work is performed in Colorado, and one of the following is true: (1) The base of operations is in Colorado, or if there is no base of operations, then the place from which such services is directed or controlled is in Colorado; or (2) the base of operations or place from which some part of the service is directed or controlled is not in any state in which part of the service is performed, but the individual's residence is in Colorado.

Q: How will I know when my employee files a FAMLI claim and when they are expected to return to work?

A: Employees are required to notify their employers if the need is foreseeable. The FAMLI Division will also notify an employer with information including the duration of leave, the amount of benefit payments and an expected return date.

We want to hear from you!

We want to build a FAMLI program that is fair and meets the needs of both employers and workers.

Please help us by:

- *Participating in our webinar series*
- *Sharing your ideas and concerns*

Your input is essential!



WEBSITE

famli.colorado.gov



EMAIL

cdle_famli_info@state.co.us



FACEBOOK, TWITTER INSTAGRAM, LINKEDIN

[@ColoradoFAMLI](#)



Thank You!

